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8 Attorneys for SPENCER ROCK PRODUCTS, INC. and  
ROBERT A. LAPORE

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

1           Herrig, Vogt & Stoll does not dispute that there is a virtually unbroken line of state and federal cases  
 2 approving the rule that a corporation can appear in court only by an attorney. The *Holiday Tax* case does,  
 3 however, provide authority for an exception in a situation where a small, closely held corporation has no  
 4 assets. *In re Holiday Tax Services, Inc.*, 417 F. Supp. 182 (E.D.N.Y. 1976). The interests of justice, the  
 5 interests of judicial economy, and the interests of Spencer Rock Products, Inc. will not be served by forcing  
 6 Herrig, Vogt & Stoll and Paul Stockler to serve as counsel, having been terminated by the corporation,  
 7 without authority from Spencer Rock to act in its behalf, and without pay. The solution is to allow  
 8 withdrawal, then deal with Spencer Rock as a defendant corporation unrepresented by counsel.

9           Contrary to North Star's opposition, withdrawal would not prohibit Spencer Rock from appearing  
 10 in this case in any capacity. Co-defendant Robert Lapore, the corporation's president, is still a party to the  
 11 case as an individual, and would represent the corporation.

12           Furthermore, whether Spencer Rock is represented by counsel has nothing to do with "the extent to  
 13 which Nugget interacted directly with the Plaintiffs and the extent to which Nugget took over operations of  
 14 the Spencer quarry," factual inquiries about which North Star is particularly concerned. At trial, percipient  
 15 witness testimony and documentary evidence will establish the facts. For Spencer Rock, that testimony and  
 16 documentary evidence will come from Robert Lapore, who is still in the case. Whether Herrig, Vogt & Stoll  
 17 and Paul Stockler represent the corporation will have no effect on what the documents tell, or what Mr.  
 18 Lapore will say.

19           The court should allow Herrig Vogt & Stoll, LLP and Paul Stockler to withdraw. Spencer Rock  
 20 Products, Inc., would then have the status of any corporation that has not appeared with counsel, subject to  
 21 appropriate court orders. *Holiday Tax* is authority for one alternative being to allow Mr. Lapore to represent  
 22 the corporation.

23 Dated: \_\_\_\_\_

**HERRIG, VOGT & STOLL, LLP**

24  
 25 CERTIFICATE OF SERVICE  
 I hereby certify that on November 2, 2006, a copy  
 26 of the foregoing Notice of Availability of Counsel  
 was served electronically on Thomas Krider,  
 27 Traeger Machetanz, David W. Pease, Michael W.  
 Sewright, Steven J. Shamburek, Paul Stockler, and  
 28 Herbert A. Viergutz

BY \_\_\_\_\_  
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